(3)
(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 4759 **/2004**

PETITIONER : Shri Kishan Dewangan
Aged about 65 years,
S/o. Late sh. Chhedi Lal Dewangan
Occupation- Ex-Account-2455
R/o. Near Sahu Kirana Shop,
Jorapara, Sarkanda, Bilaspur
Distt. Bilaspur (C.G.)

P.R. No. 4750/04
Presented by Shri Ratan Dusti
dated 04.12.04

VERSUS

RESPONDENTS :

1. The Union of India
Through : the Secretary
Department of Industry
New Delhi

2. The Chairman-Cum-Managing
Director, Cement Corporation of
India Ltd.
New Delhi

R/C
Refused.
4/12/04
Union of India
to S/R received

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(46)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 4759 **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16.11.2005 Shri Ratan Pusty, counsel for the petitioner. None for the respondent No. 1 Shri P.S. Koshy, counsel for the respondent No. 2. Heard. Learned counsel for the petitioner submits that the petitioner had been working as Accountant with respondent No. 2 Corporation and he was retired from service on 30.6.2001. The petitioner had been paid all the retrial benefits except C.D.A. pay revision arrears to the tune of Rs. 29,078/-. The petitioner further claims interest at the rate of 18% p.a. w.e.f. 1.7.1998 and in case of terminal dues of C.D.A. from 1.1.1996 till the actual date of payment. Shri P.S. Koshy, appearing for the respondent No. 2 admits all the dues except payment of interest. Learned counsel further submits that the respondent No. 2 Corporation was declared Sick Industry and is in the process of binding up. The Unit of the Respondent No. 2 Corporation where the petitioner was working had been out of production for last more than nine years and presently have been facing acute financial crisis.	

SP/FS/2005 - 20,000

XI-HC-78

(47)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 4759 **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the respondent No. 2 further submits that the respondent No. 2 could not make the payment of C.D.A. arrears to the petitioner and similarly placed employees. However, liability of payment by the corporation is not disputed.

In view of the facts and circumstances of the case, the respondent No. 2 is directed to make the payment of C.D.A. as early as possible within a period of 6 months. In regard to interest, since the respondent Company where the petitioner was working, had been out of production for last more than nine years, the respondent No. 2 is directed to pay interest at the rate of 9% p.a. within a period of 6 months as prayed for.

Accordingly, the Writ Petition is allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Babla

21.11.05 10.01